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Randolph L. Howard, Esq.

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

Asset Resolution LLC,

Plaintiff,

vs.

USA Commercial Mortgage Company,  
USA Capital First Trust Deed Fund, LLC, and  
Geoffrey L. Berman, in his capacity as Trustee  
for the USACM Liquidating Trust, and not  
individually,

Defendants.

Case No.: BK-S-06-10725 LBR

CHAPTER 11

Consolidated With:

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR

Case No. BK-S-06-10729-LBR

Adv. Proc. No. 09-01284-LBR

Date of Hearing: 02/15/2011

Time of Hearing: 10:30 a.m.

**NOTICE OF HEARING OF JOINT MOTION FOR APPROVAL OF SETTLEMENT OF  
TRUSTEE'S CLAIM PURSUANT TO BANKRUPTCY RULE 9019**

**NOTICE IS HEREBY GIVEN** that the Joint Motion of the Trustee of the USACM Liquidating Trust and Kolesar & Leatham, Chtd. ("K&L") and Randolph L. Howard, Esq. ("Howard") requesting pursuant to Bankruptcy Rule 9019, that this Court enter an Order approving the parties' voluntary agreement to compromise and settle the Trust's claim for sanctions (the "Motion") [Doc. No. 81], which was filed on January 5, 2011 by counsel for K&L and Howard, will be heard by the Court on February 15, 2011 at 10:30 a.m. The Motion requests

pursuant to Bankruptcy Rule 9019 that this Court enter an Order approving the parties' voluntary agreement to compromise and settle the Trust's claim for sanctions against K&L and Howard as described in the Trust's Motion for Sanctions pursuant to Bankruptcy Rule 9011 filed in this adversary proceeding on August 3, 2010 (the "Motion for Sanctions") [Adv. Doc. No. 63] and that the Court vacate it prior Order granting the Motion for Sanctions [Adv. Doc. No. 79].

**NOTICE IS FURTHER GIVEN** that if you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then you must file an opposition with the court, and serve a copy on the person making the Motion ***no later than February 1, 2011***. The opposition must state your position, set forth all relevant facts and legal authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse to allow you to speak* at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

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1 NOTICE IS FURTHER GIVEN that a hearing on the said Motion will be held  
2 before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas  
3 Boulevard, South, Third Floor, in Bankruptcy Courtroom No. 1, Las Vegas, Nevada 89101,  
4 on February 15, 2011 at the hour of 10:30 a.m.

5 DATED this 5<sup>th</sup> day of January, 2011.

6 KOLESAR & LEATHAM, CHTD.

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8 By /s/ Bart K. Larsen, Esq.  
9 RANDOLPH L. HOWARD, ESQ.  
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15 Attorneys for Plaintiff  
16 ASSET RESOLUTION LLC  
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